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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/360,060	07/23/1999	DAVID KONETSKI	M-7491-US	3630

27683 7590 08/15/2003
HAYNES AND BOONE, LLP
901 MAIN STREET, SUITE 3100
DALLAS, TX 75202

EXAMINER

MEI, XU

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 08/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/360,060

Applicant(s)

KONETSKI ET AL.

Examiner

Xu Mei

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Haigler (US-4,887,298).

Regarding claim 1, Haigler discloses a speaker system (Figs. 2-4), comprising at least one transducer (16a); at least one speaker analog circuit (14a); and a diagnostic circuit (12) coupled to at least one transducer and the at least one speaker analog circuit.

Regarding claims 2-9, detail descriptions of Figs. 2-4 in col. 6-17 shows the claimed analog diagnostic circuit components such as rectifier (110); ac power test indicator (sense line threshold detector circuit); diagnostic mode activation mechanism (mute control circuit); analog activity sensor and indicator (signal sample threshold detector and LED 222); transistor (240, 280, 282); and comparator (190).

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Regarding claim 10-11, a sense input signal can be read on as a test signal being generated by the diagnostic signal generating circuit of as shown in Fig. 2-3.

3. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Cullison et al (US-4,296,278).

Regarding claims 1-11, Figs. 1, 3-4 of Cullison discloses the claimed limitations as recited in claims 1-11. The claimed circuit limitations or elements for the speaker protection circuit in claims 1-11 can be read on as discloses in Figs 1, 3-4 of Cullison as discussed in paragraph 2 above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 12-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haigler or Cullison in view of Soutar (US-5,644,505).

Regarding claims 12-23, Haigler or Cullison disclosed the speaker diagnostic system as discussed above. The claimed limitations of 12-23 with regard to the analog circuitries are substantially the same as recited in claims 1-11. The difference between claims 1-11 and claims 12-23 is a computer system including a processor and memory is connecting or coupling to the speaker diagnostic system and Haigler or Cullison fails to disclose this point.

Soutar discloses an universal audio analyzer (Fig. 1) including a computer 14 with a processor and memory in the same field of endeavor for analyzing audio device for the advantage of quickly obtain results according to standard test specifications (see Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the speaker diagnostic system of Haigler or Cullison with the up-to-date computer technology as shown by Soutar for providing standard test specification for diagnostic speaker in order to obtain quick and more accurate speaker diagnostic results thus to improve speaker protection.

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Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

GrosJean, Baba et al, Trump, Fujita, Yazurlo et al and Thomasson are made of record here as pertinent art to the claimed invention.

The cited references disclose various test or diagnostic systems for speaker protection.

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xu Mei whose telephone number is 703-308-6610. The examiner can normally be reached on Monday-Friday (9:30-6:00), alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W Isen can be reached on 703-305-4386.

The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is 703-306-0377.



Xu Mei
Primary Examiner
Art Unit 2644
08/07/2003